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Attorney Docket No.: N1085-00180  
[TSMC2003-0325]

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## FACSIMILE TRANSMITTAL SHEET

In re application of: Yee-Chia Yeo

Examiner: Alexander G. Ghyka

Serial No.: 10/825,872

Group Art Unit: 2812

Filed: 04/16/2004

Confirmation No.: 8595

For: GATE ELECTRODE FOR A SEMICONDUCTOR FIN DEVICE

**TO:** Examiner Alexander G. Ghyka  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FACSIMILE NUMBER:** 571-273-8300

**CONFIRMATION  
TELEPHONE:**

**FROM:** Mark J. Marcelli

**DIRECT DIAL:** 619.744.2243

**DATE:** January 20, 2006

**TOTAL # OF PAGES:** 3  
(INCLUDING COVERSHEET)

**MESSAGE:** Attached is a Request for Reconsideration Requirement  
Pursuant to 37 C.F.R. §1.143.

**NOTE:** Original will not follow

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Appl. No. 10/825,872  
Amdt. dated 01/20/2006  
Response to Office Action of 12/22/2005

JAN 20 2006  
Attorney Docket No.: N1085-00180  
[TSMC2003-0325]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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I hereby certify that this correspondence (and anything referred to as being transmitted herewith) is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on the date shown below.

Examiner Alexander G. Ghyka  
Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Date: January 20, 2006

  
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Examiner Alexander G. Ghyka  
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**REQUEST FOR RECONSIDERATION OF RESTRICTION REQUIREMENT  
PURSUANT TO 37 C.F.R. § 1.143**

Commissioner:

Responsive to the Office Action (Restriction Requirement) dated December 22, 2005, Applicants respond as follows.

Applicants respectfully traverse the restriction requirement and requests reconsideration of the requirement on the basis that the grounds for restriction are improper.

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The Restriction Requirement recites that the "application contains claims directed to the following patentably distinct species of the claimed invention: Species I (Fig. 4, claims drawn to gate electrode that has non planar surface), Species II (Fig. 7, claims drawn to gate electrode that has planar surface)". Applicants respectfully submit that the gate electrode formed according to the process sequence of Fig. 4, includes a non planar surface as does the gate electrode formed according to the process sequence of Fig. 7. Fig. 4 includes process step 413 which is "Planarization of gate electrode material". Since Figure 4 is not drawn to a gate electrode with a non planar surface, the restriction requirement is improper and Applicants respectfully request withdrawal of the restriction requirement pursuant to 37 C.F.R. § 1.143.

The Office Action also indicates that "none of the claims generic". Applicants respectfully disagree and point out that claim 1 is generic because it reads on each of Fig. 4 and Fig. 7. Dependent claims 2 and 3 depend from claim 1 and recite features illustrated in Figs. 4 and 7, respectively.

The above request for reconsideration of restriction requirement notwithstanding, Applicants provisionally elect Species I (Fig. 4), claims 1, 2, 4-27 and 30, 31 for examination and further prosecution.

Respectfully submitted,

Dated: January 20, 2006

  
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